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C O N F I D E N T I A L SECTION 01 OF 03 KIEV 001194

SIPDIS

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TAGS: [PGOV](#) [PINR](#) [KDEM](#) [RU](#)

SUBJECT: UKRAINE: RADA ELECTION TALLY AT 83 PERCENT; KIEV
MAYORAL ELECTION LOOKING AT UPSET

Classified By: Ambassador for reasons 1.4(a,b,d).

1. (C) Summary: Official results continued to come in slowly but steadily through the day March 28, with relative percentages holding steady at Yanukovych 30, Tymoshenko 22 and Our Ukraine 15. Most parties have not voiced any significant complaints about the election, but Tymoshenko's bloc continues to question the results in Donetsk since observers were not provided results protocols, and the Committee of Voters of Ukraine reported one instance of vote padding in Donetsk. Also, some sporadic reports from precinct commissions of efforts in the district commission to manipulate votes have surfaced. Nevertheless, the Central Election Commission is posting results for individual precincts for the first time this year, which allows observers to confirm that precinct results were recorded centrally as they were tallied locally. Kiev's mayoral race is shaping up to be a major upset, with opposition candidate Chernovetskyy in the lead with 96 percent of the vote counted. Preliminary results in the races for Kiev City and Oblasts Radas (councils) indicate a strong showing for Orange parties, with Tymoshenko's bloc well in the lead, which should give reform parties comfortable majorities. End summary.

Official Results

2. (U) CEC official results continued to come slowly throughout the day March 28. With 83.40 percent of precincts reporting at 6:00 pm, the official votes tally stood at:

Regions	30.59 percent
Tymoshenko	22.40
Our Ukraine	15.01
Socialists	6.04
Communists	3.61
-----3% threshold-----	
Vitrenko	2.62
Lytvyn	2.49
Kostenko-Plyushch	2.07
Viche	1.59
PORA-PRP	1.48

Reported Election Problems

3. (U) Editor of the Donetsk novini.dn.ua website Oleksiy Matsuka alleged that some polling stations were intentionally delaying results of the vote count until observers fell asleep or left. As of 10 pm on March 27 only 6 out of 40 polling stations in Voroshylovskyy district in Donetsk submitted protocols to district election commissions. He suspected this delay was someone's attempt to modify the results when observers were no longer present to verify the accuracy of protocols. He reported that the results submitted by one polling station to district election commission were slightly modified (100 votes) in favor of Regions. The Committee of Voters of Donetsk also reported that in two polling stations its observers were denied protocols; polling station members said their unwillingness to issue more protocols for observers was because of fatigue. (Note: Large numbers of observers were present at most polling stations, and producing signed copies of the protocols for them does take additional time. The CEC website is posting results for individual polling stations this year, so observers who witnessed the counts should be able to verify whether they were reported properly.)

4. (SBU) One of the OSCE/ODIHR long-term observers (LTOs) in Luhansk Oblast indicated that extremely long vote counts and error-ridden protocols were the norm there. The LTO attributed this to overworked, exhausted polling station commission (PSC) workers making arithmetic errors while preparing the protocols. According to the LTO, many PSCs were taking their protocols to their District Election Commission (DEC) and having them refused because of numerous errors. The CEC website indicated Luhansk Oblast had one of the lower percentages of protocols reported in as of 6 pm March 28 at 66%.

5. (SBU) Late in the day a couple of commissioners from PSC 110 in TEC 218, Shevchenko district, Kiev, showed up at the Embassy alleging that they had been pressured to change the local election results of their PSC. The commissioners told us that when they packaged the ballots and took their protocol to the TEC (Territorial Election Commission, that

gathers and records local election results), the TEC refused to receive the results and told them they needed to change the number of registered voters on their protocol by around 2-300 people. The TEC staffers also said that they would also had to change figures on the other pages of the protocol. The commissioners refused, and went to see the TEC chairperson who said they should do what the TEC staffers requested. The TEC staffers threatened that they would be sent to jail if they did not change the protocol. The PSC commissioners made a complaint at the district prosecutor's office, but the prosecutors office would not accept the complaint because, they said, it was illegible. The commissioners refused to re-write it, citing that they had been awake more than 72 hours. The two planned to go next to the municipal prosecutor. The PSC commissioners said they thought this might be happening at other PSCs in Shevchenko district. (Note: This episode relates only to the local election results. Other people from this PSC were in line at the DEC, waiting to deliver the parliamentary results for their PSC.)

Kiev City Election

16. (U) In a major upset, official results of the Kiev mayoral election with 96.63 percent of the vote counted at 6 pm continued to show Our Ukraine member Chernovetsky in the lead with 31.18 percent of the vote, followed by Klychko with 23.21 percent and Omelchenko with only 20.82 percent, according to the Pora-PRP website. The CEC chairman complained during the day that mayoral election results were coming in before parliamentary results, contrary to the rule that parliamentary should be counted first; mid-day parliamentary returns from Kiev were only about 72 percent reported while the Kiev city vote count was over 90 percent reported. In a press conference last night, Klychko called Chernovetsky the victor.

17. (U) In the Kiev City Rada election, Tymoshenko's BYuT was strongly in the lead at 6pm with 94.41 percent of the vote counted (also as reported on the Pora-PRP website):

BYuT	23.97 percent
OU	8.70
PORA-PRP	8.33
Regions	5.72
Kiev People's Aktyv	3.96
Socialists	3.84
Lytvyn Bloc	3.58

European Capitol	2.31
Kostenko-Plyushch	1.65

(Note: Hromadsky Aktyv Kyieva (HAK): "Aktyv" is a Soviet-era word for the nomenklatura or leadership that does not translate well. The HAK bloc is headed by former Our Ukraine member Oleksandr Pabat, who left OU in December 2005.

The group appears to have a young leadership and claims to represent a coalition of civic organizations. Word on the street is that the bloc is financed by someone close to BYuT.

HAK was active long before the election in distributing information to the public about Ukrainian laws and voting rights, and its major slogan is that the Kiev city council should represent Kiev citizens not policial parties; it does not advertise the fact that it actually formed on the basis of three small parties (note: NGOs legally cannot nominate candidates). Its platform includes equal access to universities, based on objective evaluations of academic performance, and other reforms.

If these percentages hold, a Tymoshenko-Our Ukraine coalition could control about 68 of the 120 seats on the city Rada, and Pora another 17 (Bondarenko evidently misrepresented the council composition at 90, reported reftel; it recently increased).

Bio Note

18. (U) Leonid Chernovetsky was born in Kharkiv in 1951. After the mandatory army service (he served in the internal forces as a prison guard), Chernovetsky graduated from Kharkiv Institute of Law. In 1977, he started working as a investigator and then senior official in the Kiev prosecutor's office. Some time later he started teaching at the Criminal law department of Kiev Shevchenko University. Since 1990, he has headed the Praveks concern, which includes Praveks Bank (one of Ukraine's largest) and several insurance and legal consulting businesses.

19. (U) Chernovetsky was elected to the Rada three times. His political career started when he set up the "For a Beautiful Ukraine" party in the early nineties. The party later became one of the founders of the Party of Regions. In 1998, Chernovetsky belonged to the pro-Kuchma NDP. Some time after the 2002 elections, Chenovetsky joined Yushchenko's Our Ukraine, leading Oleksandr Omelchenko's son

to leave the faction in protest. Chernovetskyy served as Yushchenko's presidential advisor.

10. (SBU) Chernovetskyy is eccentric. He is associated with the God's Embassy church and is the chairman of the Christian Liberal Party of Ukraine. The website Criminal Ukraine (at that time owned by investigative journalist Oleh Yeltsov) wrote in 2003 that under cover of the Church, Chernovetskyy and the Church's bishop Sunday Adeladja were involved in drug trafficking. In April 2003 a Mercedes that belonged to Praveks bank ran over a boy, and Chernovetskyy was said to have been behind the wheel at the time, but the case never went anywhere.

11. (U) Visit Embassy Kiev's classified website:
www.state.sgov.gov/p/eur/kiev.
Herbst